

REMARKS

By this amendment, claims 1-3, 7-19, 22-27, 29-34, 36, 38, 39, 42-49, and 52 are pending, in which claims 4, 5, 20, 21, 35, 37, 40, 50, and 51 were previously canceled without prejudice or disclaimer, claims 6, 28, and 41 are currently canceled without prejudice or disclaimer, claims 1, 2, 8, 9, 10, 18, 22, 26, 27, 29, 32, 34, 36, 38, 43-45, and 48 are currently amended, and claim 52 is newly presented. No new matter is introduced.

The Final Office Action mailed September 16, 2010 rejected claims 1, 22, and 36 as indefinite under 35 U.S.C. §112, second paragraph, claims 1-3, 7, 9, 18, 22, 25-27, 36, 38, 39, 44, 48, and 49 as obvious under 35 U.S.C. §103(a) based on *Microsoft Outlook 97* in view of *Thomas* (US 6,944,272) and *Hardt* (US 2005/0114453), claims 10-17, 29-34, 42, and 45-47 as obvious under 35 U.S.C. §103(a) based on *Microsoft Outlook 97* in view of *Thomas* (US 6,944,272) and *Kirkland et al.* (US 2005/0149622), and claims 6, 8, 23, 24, 28, 41, and 43 as obvious under 35 U.S.C. §103(a) based on *Microsoft Outlook 97* in view of *Hardt* (US 2005/0114453) and *Domnitz* (US 6,912,398).

Telephonic interview of December 8, 2010.

Applicants express appreciation for Examiner Jakovac's courtesy in granting and conducting a telephonic interview on December 8, 2010. During the interview the claimed invention was explained in light of Applicants' disclosure, the outstanding issues were discussed, and arguments substantially as hereinafter developed were presented. Applicants' attorney pointed out that the claims were not indefinite, as the determination of a type of communication medium of a message and determining a recipient based at least in part upon the determined type were clearly explained, for example, at pages 4-5 of the specification. It was also pointed out that the *Thomas* reference does not base a determination of a recipient on the

determination of a type of communication medium of the message. The Examiner appeared convinced that the claims are, in fact, definite, and suggested that the claims be amended to include the RFID tag and proximity to a network hub features to distinguish over the applied prior art, subject to an updated search and review by a supervisor. It is with that understanding that the present Amendment has been prepared and submitted.

The rejection of claims 1, 22, and 36 as indefinite under 35 U.S.C. §112, second paragraph, is traversed.

The Examiner asserted that claims 1, 22, and 36 were indefinite because the features of “determining a type of communication medium of the message” and “determining one or more recipients for the message based at least in part upon the determined type” were unclear insofar as to how the recipients are determined for a message based at least in part on the determined type.

The second paragraph 35 U.S.C. § 112 requires only reasonable precision in delineating the bounds of the claimed invention. *United States of America et al. v. Teletronics, Inc. et al.*, 857 F.2d 778, 8 USPQ2d 1217 (Fed. Cir. 1988). If one skilled in the art would understand the bounds of the claim when read in light of the specification, then the claim satisfies section 112, paragraph 2. *Miles Labs., Inc. v. Shandon, Inc.*, 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993). As explained throughout the disclosure, with pages 4-5 as exemplary, recipients for a message are determined based at least in part upon a determined type of communication medium of the message. This type of communication medium may be, for example, SMS, MMS, email, voice, etc. For example, based upon whether a potential recipient of the message has the capability, to receive certain types of communication media, or the desire to receive certain types of communication media, the recipient will or will not receive such

messages. As far as how such a feature might be implemented, there is an example at page 5 of the specification whereby a processing unit and a memory storing information related to the potential recipients, working together can correlate certain recipients with the types of communication media those recipients are to receive.

Accordingly, the claim language is clear and definite within the meaning of 35 U.S.C. § 112, second paragraph; therefore, withdrawal of the rejection of claims 1, 22, and 36 as under 35 U.S.C. §112, second paragraph, is respectfully solicited.

The rejection of claims 1-3, 7, 9, 18, 22, 25-27, 36, 38, 39, 44, 48, and 49 as obvious under 35 U.S.C. §103(a) is traversed.

As amended, independent claims 1, 22, and 36 recite “directing dispatch of the message to the one or more determined recipients by assigning recipient Radio Frequency (RF) identifiers, associated with a radio frequency tag or a radio frequency tag reader associated with a recipient of the message, to the message, and dispatching the message when the **radio frequency tag or radio frequency tag reader is placed in proximity to the network hub,**” “direct dispatch of the message to the one or more determined recipients based at least in part upon the determined type of the message by assigning recipient Radio Frequency (RF) identifiers, associated with a radio frequency tag or a radio frequency tag reader associated with a recipient of the message, to the message, and dispatching the message when the **radio frequency tag or radio frequency tag reader is placed in proximity to the communication networks,**” and “instructions configured for directing dispatch of the message to the one or more determined recipients by assigning recipient Radio Frequency (RF) identifiers, associated with a radio frequency tag or a radio frequency tag reader associated with a recipient of the message, to

the message, and dispatching the message **when the radio frequency tag or radio frequency tag reader is placed in proximity to the network hub,**” respectively.

As recognized by the Examiner during the telephonic interview of December 8, 2010, none of the references of record disclose or suggest employing Radio Frequency (RF) identifiers in such a manner that a message is dispatched responsive to the Radio Frequency (RF) identifiers being placed in proximity to a network hub or communication network.

Moreover, none of the references of record disclose or suggest displaying the message responsive to such proximity, as recited, for example, in dependent claims 7 and 8, causing these claims to be patentable separately from independent claim 1.

Accordingly, since the RF identifier feature is now included in independent claims 1, 22, and 36 and the applied references are devoid of such a feature, claims 1-3, 7, 9, 18, 22, 25-27, 36, 38, 39, 44, 48, and 49¹, withdrawal of the rejection of claims 1-3, 7, 9, 18, 22, 25-27, 36, 38, 39, 44, 48, and 49 under 35 U.S.C. §103(a) is respectfully solicited.

The rejection of claims 10-17, 29-34, 42, and 45-47 under 35 U.S.C. §103(a) is traversed.

Independent claims 10, 29, and 45, although distinguishable over claims 1, 22, and 36 as being directed to “prioritized” messages, contain features similar to independent claims 1, 22, and 36 regarding employing Radio Frequency (RF) identifiers in such a manner that a message is dispatched responsive to the Radio Frequency (RF) identifiers being placed in proximity to a network hub or communication network, features which are absent from the applied references.

Accordingly, withdrawal of the rejection of claims 10-17, 29-34, 42, and 45-47 under 35 U.S.C. §103(a) is respectfully solicited.

¹ It is unclear why claims 18, 48, and 49 are included with this set of claims since they depend from independent claims 10 and 45, which are rejected based on a different combination of references.

The rejection of claims 6, 8, 23, 24, 28, 41, and 43 under 35 U.S.C. §103(a) is traversed.

Claims 6, 28, and 41 have been canceled, with their features incorporated into their independent claims.

As *Domnitz*, albeit concerned with the use of RFID tags in delivering information to an individual based on location and/or time, does not teach or suggest the feature of a message dispatched responsive to the Radio Frequency (RF) identifiers being placed in proximity to a network hub or communication network together with determining a type of communication medium of the message and determining one or more recipients for the message based at least in part upon the determined type, *Domnitz* fails to cure the deficiencies of the other references.

In any event, claim 8 recites, “wherein the **display is associated with the radio frequency (RF) identifier.**” Claim 43 contains a similar feature. These claims are clearly patentable separately from the other claims because there is not even a suggestion of associating a display with an RFID in any of the references of record, including *Domnitz*.

Accordingly, withdrawal of the rejection of claims 6, 8, 23, 24, 28, 41, and 43 under 35 U.S.C. §103(a) is respectfully solicited.

Newly presented dependent claim 52 recites, “wherein dispatching of the prioritized further comprises **displaying** of the message on a display **responsive to the radio frequency tag or radio frequency tag reader being placed in proximity to the network hub.**” Since none of the references of record remotely discloses or suggests the actual display of a message responsive to an RFID being placed in proximity to a network hub, claim 52 is clearly patentable over the prior art of record and allowance thereof is respectfully solicited.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Errol A. Krass
Attorney for Applicant(s)
Reg. No. 60090

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958